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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,887	10/15/2001	Mitsuya Kishida	450117-03447	3455

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NEW YORK, NY 10151

EXAMINER
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HUYNH, NAM TRUNG

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/977,887	<b>Applicant(s)</b> KISHIDA ET AL.	
	<b>Examiner</b> Nam Huynh	<b>Art Unit</b> 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on 15 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/15/01</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6-9, 12-14, and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoon et al. (US 6,628,971) in view of Hubbe et al. (US 6,667,748).

A. Regarding claim 1, Yoon et al. discloses a method for displaying background image in a mobile telephone comprising:

- Storing the background images in a memory (column 1, lines 46-47).
- Displaying or retrieving the data from the memory upon image select request (column 1, lines 48-49).
- Setting the background image, once selected, as a background image to be displayed (column 1, lines 48-51).

Yoon et al. does not explicitly disclose that the images to be displayed are automatically selected. Applicant states that the automatic selection of the background image can be performed according to pre-set parameters, allowing the control of the image selection in a predetermined way (column 1, paragraph 11). Hubbe et al. discloses a method of displaying a sequence of images on a display that comprises a command C (figure 1, item C) that may have a parameter indicating how an image sequence is displayed.

These parameters can include image sequence such as increasing or decreasing order,

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time, and direction (column 3, lines 35-48). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to integrate the display method of Hubbe et al. in the method of setting the background image on a mobile telephone of Yoon et al. in order facilitate and customize the selection of a background image.

B. Regarding claims 2 and 13, Hubbe et al. discloses a method of displaying a sequence of images on a display that comprises a command C (figure 1, item C) that may have a parameter indicating how an image sequence is displayed. These parameters can include image sequence such as increasing or decreasing order, time, and direction (column 3, lines 35-48).

C. Regarding claims 3, 6, 8, 14, 17, and 19, Hubbe et al. discloses a subscriber identity module (SIM) connected to a mobile telephone (figure 1) and that a SIM is used for storing both data specific to the user and data relating to additional services which it supplies to the radio communications terminal (column 1, lines 19-23). Therefore since data can be stored on the SIM, it can be considered an external memory.

Furthermore, as seen in the background of Patent No. 6,606,491 (column 2, lines 33-42), it is commonly well known in the art that a SIM card provides subscriber identification, billing information, and other information concerning the operation of the mobile telephone. Additionally each subscriber is identified by a SIM based International Mobile Subscription Identity (IMSI). Therefore, since this identification information is stored on the SIM, and the command C, to display images, is sent to the mobile telephone by the SIM, it would further be obvious and well known in the art that

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the method for displaying images based on parameters, taught by Hubbe et al., can be based upon the identification information.

D. Regarding claims 7 and 18, Yoon et al. discloses displaying or retrieving the data from the memory upon image select request (column 1, lines 48-49). In figure 1, it can be seen that the memory (item 115) is internal to the mobile telephone.

E. Regarding claims 9 and 20, Yoon et al. discloses that images are downloaded to the mobile telephone from a computer (column 1, lines 45-46).

F. Regarding claim 12, Yoon et al. discloses a mobile telephone that comprises the following:

- A controller (figure 1, item 111) that controls the overall operation of the mobile telephone (column 2, lines 49-50). The controller reads in sequence the background image files from the memory (column 3, lines 45-51) and upon the detection of the select key, the controller sets the selected background image as the background image to be displayed (column 3, lines 53-58).
- A memory (figure 1, item 115) that contains a flash memory for storing background image files (column 2, lines 65-67).
- A display (figure 1, item 116) that displays various messages and images under the control of the controller (column 3, lines 3-6).

3. Claims 4-5, 10, 15-16, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoon et al. (US 6,628,971) in view of Hubbe et al. (US 6,667,748) as applied to claims 1 and 12 above, and further in view of Yu et al. (US 6,684,087).

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A. Regarding claims 4 and 15, the combination of Yoon et al. and Hubbe et al. disclose the limitations set forth in claims 1 and 12. The combination does not explicitly disclose that the background image is received from a base station. Yu et al. discloses a method and apparatus for displaying images on a mobile device in which a Landnet includes a network server (figure 1, item 104) that stores image data and sends this image data via an Airnet that comprises a base station that controls radio or telecommunication links with mobile devices (column 3, lines 63-64 and figure 1, item 108). Therefore disclosing the displaying of image data based on information received from a base station. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to follow the teachings of Yu et al., and allow the background image to be selected by information received from a base station, in the combination of Yoon et al. and Hubbe et al., in order to allow the mobile device to interact with a data network, such as the Internet, for images.

B. Regarding claims 5 and 16, Yu et al. discloses the limitations set forth in claim 4, and further discloses a maintenance center that manages mobile account services, such as authentication, and oversees the proper operation and setup of the wireless network (column 4, lines 1-3).

C. Regarding claims 10 and 21, Yu et al. discloses a browser (figure 3B, item 364) that is used to download images on to the mobile phone from the Internet (column 7, lines 1-23).

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4. Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoon et al. (US 6,628,971) in view of Hubbe et al. (US 6,667,748) as applied to claims 1 and 12 above, and further in view of Fogarty (US 6,311,180).

The combination of Yoon et al. and Hubbe et al. disclose the limitations set forth in claims 1 and 12. The combination does not explicitly disclose the formatting of background and foreground images. Fogarty discloses a method for mapping and formatting information (figure 2, item 306) for a display device in which a mapping system creates a display document. This display document describes display parameters such as background and foreground colors (column 10, lines 11-24). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to follow the teachings of Fogarty, and create a display document for the background images in the combination of Yoon et al. and Hubbe et al. in order to properly display the background image without any colors of the foreground. It is further obvious that by eliminating foreground colors in the background, the background image would be distinct and not be confused with foreground information.

### ***Conclusion***

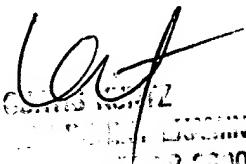
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam Huynh whose telephone number is 571-272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NTH  
1/31/06

  
CARLOS MONTES  
REGISTERED PROFESSIONAL ENGINEER  
JANUARY 2006